



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:15-CR-185-KJD-(CWH)
)
PRAKASH KUMAR,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant PRAKASH KUMAR pled guilty to Count One of a One-Count Criminal Indictment charging him with Receipt or Distribution of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 26.

This Court finds defendant PRAKASH KUMAR agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 25; Plea Agreement, ECF No. 26.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and the offense to which defendant PRAKASH KUMAR pled guilty.

The following assets are (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any

1 such visual depiction, which was produced, transported, mailed, shipped or received in violation of
 2 Title 18, United States Code, Section 2252A(a)(2) and (2) any property, real or personal, used or
 3 intended to be used to commit or to promote the commission of Title 18, United States Code, Section
 4 2252A(a)(2) or any property traceable to such property, and are subject to forfeiture pursuant to Title
 5 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 1. HP Desktop Computer, SN MXV82900SD;
- 7 2. Toshiba external hard drive w/USB cord;
- 8 3. Western Digital external hard drive w/USB cord, SN WX1E82FAKJ1;
- 9 4. Maxtor IDE hard drive, SN Y272E1YE;
- 10 5. Samsung SATA hard drive, SN S10MJ9A1304834;
- 11 6. Hitachi hard drive, SN MS18D07K;
- 12 7. Dell Pocket PC, SN 452V531;
- 13 8. Matsunichi 8 GB USB;
- 14 9. 72 CD's and DVD's;
- 15 10. 15 CD's and DVD's; and
- 16 11. Samsung smartphone

17 (all of which constitutes property).

18 This Court finds the United States of America is now entitled to, and should, reduce the
 19 aforementioned property to the possession of the United States of America.

20 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
 21 United States of America should seize the aforementioned property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
 23 PRAKASH KUMAR in the aforementioned property is forfeited and is vested in the United States of
 24 America and shall be safely held by the United States of America until further order of the Court.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
 26 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture

1 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
2 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
3 name and contact information for the government attorney to be served with the petition, pursuant to
4 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
6 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
7 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
8 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
9 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
10 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
11 petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
13 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
14 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
15 after the first day of the publication on the official internet government forfeiture site,
16 www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
18 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
19 following address at the time of filing:

20 Daniel D. Hollingsworth
21 Assistant United States Attorney
22 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
24 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
25 following publication of notice of seizure and intent to administratively forfeit the above-described
26 property.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
2 this Order to all counsel of record.

3 DATED this 11th day of May, 2016.

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6 UNITED STATES DISTRICT JUDGE
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